

DEPARTMENT OF THE CORPORATION COUNSEL

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Attorneys for Defendant
CITY AND COUNTY OF HONOLULU,
DEPARTMENT OF PARKS AND RECREATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAROLD P. MCSHANE, III,

Plaintiff,

vs.

DEPARTMENT OF PARKS AND
RECREATION, CITY AND COUNTY
OF HONOLULU; HONOLULU CIVIL
SERVICE COMMISSION; JOHN
and/or JANE DOE 1-10, and DOE
ASSOCIATIONS 1-5,

Defendants.

CIVIL NO. CV 20-00244 ACK-WRP

DEFENDANT CITY AND COUNTY
OF HONOLULU, DEPARTMENT OF
PARKS AND RECREATION'S;
SCHEDULING CONFERENCE
STATEMENT; CERTIFICATE OF
SERVICE

Scheduling Conference

DATE: July 27, 2020

TIME: 9:00 a.m.

JUDGE: Honorable Wes Reber Porter

**DEFENDANT CITY AND COUNTY OF HONOLULU,
DEPARTMENT OF PARKS AND RECREATION'S
SCHEDULING CONFERENCE STATEMENT**

Pursuant to Local Rule 16.2 of the Local Rules of Practice for the United States District Court for the District of Hawaii, Defendant CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS AND RECREATION ("City"), by its attorneys, Paul S. Aoki, Acting Corporation Counsel, Ernest H. Nomura and Gabriele V. Provenza, Deputies Corporation Counsel, submits this Scheduling Conference Statement.

I. NATURE OF THE CASE

This is a Section 1983 and "breach of contract" case against the City and the Honolulu Civil Service Commission ("Commission") for allegedly denying Plaintiff Harold P. McShane, III ("Plaintiff") back pay remedies that he could have sought and recovered had he exhausted his administrative remedies and appeals before the Commission and the Circuit Court of the First Circuit, State of Hawaii. His failure to do so is fatal to this federal case.

II. JURISDICTION AND VENUE

Jurisdiction and venue are predicated on 28 U.S.C. §§ 1331 (federal question), 1343 (civil rights), 1367 (supplemental jurisdiction), and 1391 (venue).

III. JURY TRIAL

Jury trial has been demanded.

IV. DISCOVERY AND DISCLOSURES

No formal discovery has commenced to date. The City intends to make timely initial disclosures consistent with the Federal Rules of Civil Procedure and the Local Rules. The City intends to comply with the Report of Parties' Planning Meeting, CM/ECF Doc. 11, filed on 07/08/2020, regarding discovery.

V. SPECIAL PROCEDURES

None anticipated at this time.

VI. RELATED CASES

There is a pending state court case, McShane v. City and County of Honolulu, Department of Parks and Recreation, Civil No. 19-1-1169-07 DEO (1st Cir. Ct.). Plaintiff alleges same transactions and occurrence in the state lawsuit as in this case.

VII. ADDITIONAL MATTERS

The City intends to file a dispositive motion shortly.

DATED: Honolulu, Hawaii, July 20, 2020.

PAUL S. AOKI
Acting Corporation Counsel

By: /s/ Ernest H. Nomura
ERNEST H. NOMURA
GABRIELE V. PROVENZA
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CITY AND COUNTY OF
HONOLULU, DEPARTMENT OF
PARKS AND RECREATION